

PTO/SB/26 (08-03)

Approved for use through 07/31/2008. OMB 0651-0031

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**TERMINAL DISCLAIMER TO OBIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT**Docket Number (Optional)  
112674 CON

In re Application of: Michael B. Jones

Application No.: 10/615,508

Filed: 07/09/2003

For: SYSTEM AND METHOD FOR PROVIDING DYNAMIC BANDWIDTH ON DEMAND

The owner\*, AT&T Corp., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,631,118. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

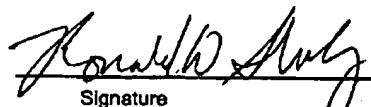
05/10/2005 KBETEMAI 00000036 502186 10227934

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Adjustment date: 05/11/2005 KBETEMAI

05/10/2005 KBETEMAI 00000036 502186 10227934

01 FC:1814 130.00 CR

 5/9/05  
Signature Date

Ronald D. Slusky

Typed or printed name

212-246-4546

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

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PTO/SB/21 (08-03)

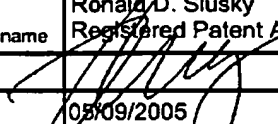
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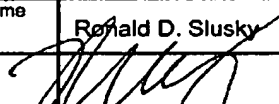
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/615,508	
	Filing Date	07/09/2003	
	First Named Inventor	Michael B. Jones	
	Art Unit	2663	
	Examiner Name	JUNG, Min	
Total Number of Pages in This Submission	8	Attorney Docket Number	112674 CON

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input checked="" type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Submission of Terminal Disclaimer
Remarks The Commissioner is authorized to charge any fee required to the Deposit Account of Ronald D. Slusky, Attorney at Law, Account No. 502,186		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Ronald D. Slusky Registered Patent Attorney
Signature	
Date	05/09/2005

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	
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Signature	
Date	05/09/2005

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PTO/SB/17 MODIFIED BY AT&amp;T CORP.

<b>FEE TRANSMITTAL</b> <i>Patent Fees are subject to annual revision.</i>		Application Number	10/615,508
		Filing Date	07/09/2003
		First Named Inventor	Jones
		Examiner Name	Min Jung
		Group/Art Unit	2663
TOTAL AMOUNT OF PAYMENT	\$130	Attorney Docket No.	112674 CON

<b>METHOD OF PAYMENT (check one)</b> 1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:  Deposit Account Number: 502186 Deposit Account Name: Ronald D. Slusky, Atty at Law  <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Charge the Issue Fee Set in 37 CFR 1.18 at the Mailing Date of the Notice of Allowance		<b>FEE CALCULATION (continued)</b> <b>3. ADDITIONAL FEES</b>																																																																																																																									
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<b>2. CLAIMS</b> <input type="checkbox"/> Filing Under 37CFR 1.53 (b) <input type="checkbox"/> CPA Under 37CFR 1.53 (d) <input type="checkbox"/> Amendment  <table border="1"> <thead> <tr> <th>Extra Claims</th> <th>Fee from below</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>31 - 20 =</td> <td></td> <td></td> </tr> <tr> <td>Ind. - 3 =</td> <td></td> <td></td> </tr> <tr> <td>Multiple Dependent Claims</td> <td></td> <td></td> </tr> </tbody> </table>		Extra Claims	Fee from below	Fee Paid	31 - 20 =			Ind. - 3 =			Multiple Dependent Claims			<table border="1"> <thead> <tr> <th>Large Fee Code</th> <th>Entity Fee(\$)</th> <th>Fee Description</th> </tr> </thead> <tbody> <tr><td>103</td><td>18</td><td>Claims in excess of 20</td></tr> <tr><td>102</td><td>84</td><td>Independent Claims in excess of 3</td></tr> <tr><td>104</td><td>280</td><td>Multiple Dependent Claims</td></tr> <tr><td>109</td><td>84</td><td>** Reissue independent claims over original patent</td></tr> <tr><td>110</td><td>18</td><td>** Reissue claims in excess of 20 and over original patent</td></tr> </tbody> </table>		Large Fee Code	Entity Fee(\$)	Fee Description	103	18	Claims in excess of 20	102	84	Independent Claims in excess of 3	104	280	Multiple Dependent Claims	109	84	** Reissue independent claims over original patent	110	18	** Reissue claims in excess of 20 and over original patent																																																																																										
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<b>SUBMITTED BY</b> Typed or Printed Name: Ronald D. Slusky		Complete (if applicable) Reg. Number: 26585	
Signature	Date: 05/09/05	Deposit Account User ID	

SEND TO: Commissioner for Patents, Washington, D.C. 20231

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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MAY 09 2005

Application No. : 10/615,508  
Inventor(s) : Michael B. Jones  
Filed : 07/09/2003  
Art Unit : 2663  
Examiner : JUNG, Min  
Docket No. : 112674 CON  
Title : A SYSTEM AND METHOD FOR  
PROVIDING DYNAMIC BANDWIDTH ON DEMAND

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VA 22313

SUBMISSION OF TERMINAL DISCLAIMER

SIR:

This filing is made in response to a telephone conversation between the undersigned and Examiner Jung on 05/09/2005.